

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ALVIN L. BLIZZARD,

Plaintiff,

v.

Case No. 18-CV-1633

PETER J. MARIK, *et al.*,

Defendants.

ORDER

On March 13, 2019, plaintiff Alvin Blizzard filed two motions. The first asked for an extension of time to serve subpoenas on non-parties. (ECF No. 34.) The second asked for default judgment to be entered against defendant Peter Marik. (ECF No. 35.) The court will deny both motions.

On March 11, 2019, the court ordered the parties to complete discovery by July 12, 2019. (ECF No. 33.) That deadline allows Blizzard adequate time to arrange for the service of his subpoenas. Accordingly, no extension of the discovery deadline is currently necessary.


Blizzard asks the court to enter default judgment against Marik because he allegedly failed to timely respond to Blizzard's amended complaint. Blizzard is incorrect; Marik timely filed his answer.

The court advises Blizzard that litigation is not a game of "gotcha." Absent egregious misconduct by a party, the court's preference is always to decide cases on

the merits, not on technical violations of procedural rules. This case will proceed much more smoothly if the parties agree to work in good faith with one another, showing flexibility when possible. If Blizzard has a problem or concern with the defendants' conduct, he should first contact opposing counsel (AAG Rachel Bachhuber at the Wisconsin Department of Justice, Office of the Attorney General, 17 West Main Street, PO Box 7857, Madison, Wisconsin, 53707-7857) before involving the court. Running to the court with concerns that can be resolved informally between the parties will delay the resolution of this case. *See also* Civil L.R. 37 (requiring parties to confer in good faith in an attempt to resolve discovery issues on their own before involving the court).

THEREFORE, IT IS ORDERED that Blizzard's motion for an extension of time (ECF No. 35) and his motion for entry of default (ECF No. 35) are **DENIED**.

Dated at Milwaukee, Wisconsin this 18th day of March, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge